

By: Burton

S.B. No. 1082

A BILL TO BE ENTITLED

AN ACT

relating to the ownership and local regulation of trees and timber.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Natural Resources Code, is amended by adding Chapter 154 to read as follows:

CHAPTER 154. OWNERSHIP AND LOCAL REGULATION OF TREES AND TIMBER

Sec. 154.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means a political subdivision of the state, including:

(A) a municipality; and

(B) a county.

(2) "Removal of a tree" means the harvesting, cutting, or destruction of a tree, including the damaging of a tree in a way that will cause the death of the tree on or before the first anniversary of the date of the damage, as determined by a governmental entity.

Sec. 154.002. OWNERSHIP OF TREES AND TIMBER. A landowner owns all trees and timber located on the landowner's land as real property until cut or otherwise removed from the land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document.

Sec. 154.003. LOCAL REGULATION OF TREES AND TIMBER. (a) A governmental entity may not:

(1) prohibit a landowner from trimming or removing

1 trees or timber located on the landowner's land; or

2 (2) assess a fee against a landowner who removes trees  
3 or timber from the landowner's land.

4 (b) Notwithstanding any other law, a municipality may not  
5 regulate the trimming or removal of trees or timber in the  
6 extraterritorial jurisdiction of the municipality.

7 SECTION 2. This Act takes effect September 1, 2017.